

## Message Text

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ACTION SCI-06

INFO OCT-01 IO-14 ISO-00 AID-20 CEQ-02 CIAE-00 COA-02

COME-00 DODE-00 EB-11 EPA-04 INR-10 L-03 NSF-04

NSC-07 NSAE-00 PM-07 RSC-01 SS-20 SPC-03 FEA-02 AF-10

ARA-16 EA-11 EUR-25 NEA-10 CG-00 INT-08 OIC-04 DOTE-00

DRC-01 FMC-04 DLOS-06 ACDA-19 /231 W

----- 121211

R 051451Z MAR 74

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 4034

INFO AEC GERMANTOWN

LIMITED OFFICIAL USE SECTION 1 OF 2 IAEA VIENNA 1927

E.O. 11652: N/A

TAGS: TECH, IAEA, SENV

SUBJECT: IAEA RECOMMENDATIONS PURSUANT TO CONVENTION  
ON PREVENTION MARINE POLLUTION BY DUMPING

REF: STATE 8590

SUMMARY: SWEDEN AND FRANCE HAVE SUBMITTED COMMENTS ON  
GOV/ 1622, IN ADDITION TO US, FRG, UK AND WHO. SWEDISH  
COMMENTS CALL FOR SUBSTANTIAL CHANGES IN RECOMMENDED  
DEFINITION OF HIGH-LEVEL RADIOACTIVE WASTE. DIR GEN  
EKLUND PLANS, SUBJECT TO AGREEMENT BY SWEDEN TO PROPOSED  
PROCEDURE, HAVE SECRETARIAT PREPARE NEW DOCUMENT TAKING  
ACCOUNT "CLARIFYING" COMMENTS RECEIVED FROM GOVERNMENTS  
AND WHO (BUT NOT RPT NOT "SUBSTANTIVE" COMMENTS FROM  
SWEDEN AND U.S. RE DEFINITION OR U.S. COMMENT RE DE  
MINIMIS) FOR CIRCULATION TO GOVERNMENTS REPRESENTED ON  
BOARD AND, DEPENDING ON FURTHER COMMENTS, HOPEFULLY FOR  
CONSIDERATION BY JUNE BOARD AS INITIAL RECOMMENDATIONS  
TO CONVENTION AUTHORITIES. PANEL WOULD BE CONVENED,  
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PROBABLY EARLY 1975, UNDER PLAN, TO CONSIDER "SUBSTANTIVE"

COMMENTS. END SUMMARY. ACTION REQUESTED: NONE

1. AT END DECEMBER , IAEA SECRETARIAT RECEIVED FORMAL COMMENTS ON GOV/1622 FROM SWEDEN, CALLING FOR CHANGES IN RECOMMENDED DEFINITION OF HIGH-LEVEL RADIOACTIVE WASTE (PARA 2.2.(2)). SWEDISH PROPOSAL WOULD (A) REDUCE STATED BETA ACTIVITY CONCENTRATION FROM ONE THOUSAND CI/T TO ONE HUNDRED CI/T, (B) REDUCE STATED ALPHA ACTIVITY CONCENTRATION FROM TEN CI/T TO ONE-TENTH AND (C) REDUCE QUANTITY OVER WHICH CONCENTRATIONS TO BE AVERAGED FROM ONE HUNDRED T TO TEN T.

2. SHORTLY BEFORE FEB BOARD GOVS MTNG, AND AFTER SECRETARIAT DISCUSSED SWEDISH PROPOSAL WITH HIM, SWEDISH AMB. PETRI CONSULTED MISSION FOR ADVICE ON HOW TO PROCEED. HE NOTED THAT SWEDISH COMMENTS RESULTED FROM MEETING OF ALL UNITS OF GOS WHICH HAD ANY CONCEIVABLE INTEREST AND THEREFORE WERE SERIOUS MATTER. PETRI APPRECIATED FACT THAT SWEDISH COMMENTS WERE ONLY ONES AMONG THOSE FROM BOARD MEMBERS WHICH CALLED FOR TEXTUAL CHANGES IN RATHER THAN ADDITIONS TO RECOMMENDATIONS IN GOV/1622 AND THUS, WOULD PREVENT EARLY APPROVAL BY BOARD OF THOSE RECOMMENDATIONS.

3. AFTER EXCHANGING COPIES OF OUR RESPECTIVE GOVERNMENTS' COMMENTS, WE POINTED OUT THAT U.S. COMMENTS WERE OF TWO TYPES: (A) CLARIFYING COMMENTS INTENDED TO BE REFLECTED IN INITIAL COMMUNICATION TO LONDON CONVENTION AUTHORITIES, WHICH COMMENTS DO NOT RPT NOT ADDRESS TEXT OF RECOMMENDATIONS PER SE, BUT ONLY THE UNDERLYING RATIONALE AND (B) ADDITIONS TO RATIONALE AND TO RECOMMENDATIONS, WITH LATTER LEAVING PRESENT QUANTITATIVE DEFINITION OF HIGH-LEVEL WASTE INTACT BUT PROVIDING SOURCE DESCRIPTION WHICH WOULD PROHIBIT SEA DUMPING OF ANY MATERIAL, REGARDLESS OF QUANTITY OR CONCENTRATION, OF SPECIFIED TYPE OR ORIGINATING IN CERTAIN PROCESSES. WE NOTED THAT PROPOSED U.S. ADDITION TO DEFINITION, WHICH COULD BE CONSIDERED AFTER INITIAL RECOMMENDATIONS SUBMITTED BY IAEA, WOULD COVER HIGH PROPORTION OF POSSIBLE HIGH-LEVEL WASTES AND SUGGESTED THAT IT WOULD APPEAR TO ACCOMPLISH GOS OBJECTIVES, WHILE AVOIDING LIMITED OFFICIAL USE

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DELAY IN SUBMISSION BY IAEA OF INITIAL RECOMMENDATIONS. PETRI SEEMED SYMPATHETIC TO SEEKING GOS SUPPORT FOR U.S. PROPOSAL AS ALTERNATIVE TO CHANGES IN PRESENT TEXT.

4. MEANWHILE, IAEA DIR GEN EKLUND DECIDED THAT BECAUSE SECRETARIAT UNCERTAIN HOW TO PROCEED IN LIGHT SWEDISH COMMENT, HE WOULD NOT RPT NOT VOLUNTEER STATUS REPORT TO FEB BOARD RE GOV/1622 AND WOULD RESPOND TO QUESTION

WITH ONLY GENERAL STATEMENT THAT COMMENTS RECEIVED FROM  
NUMBER OF GOVERNMENTS WERE BEING STUDIED BY SECRETARIAT  
AND THAT BOARD WOULD BE ADVISED OF FURTHER ACTION IN  
DUE COURSE. IN FACT, QUESTION WAS NOT RPT NOT  
RAISED, SINCE THOSE GOVERNORS WHOSE GOVERNMENTS HAD  
PROVIDED COMMENTS HAD BEEN MADE AWARE OF SITUATION.

5. FOLLOWING BOARD MTNG, MISSION LEARNED THAT VARIETY  
OF VIEWS WERE BEING ADVANCED TO EKLUND FROM SECRETARIAT.  
NISHIWAKI (JAPAN) TOOK POSITION THAT ANY SUBSTANTIVE  
CHANGE IN GOV/1622, PARTICULARLY ANY CHANGE IN RECOMMENDA-  
TIONS MUST BE REFERRED BACK TO EXPERT PANEL WHICH  
PREPARED ORIGINAL DOCUMENT FOR ITS APPROVAL BEFORE  
SUBMISSION OF NEW DRAFT TO BOARD; HE HAD PERSUADED  
SERVANT (FRANCE) TO ADOPT THIS POSITION. DDG CHERNILIN  
WAS ADAMANTLY OPPOSED TO RECONVENING OF EXPERT PANEL,  
REPORTEDLY BECAUSE OF HIS CONCERN THAT USSR, WHICH HAS  
NOT RPT NOT SUBMITTED WRITTEN COMMENTS, WOULD FEEL  
COMPELLED TO HAVE ITS EXPERT (WHO WAS UNENTHUSIASTIC  
ABOUT THE RESULTS OF THE ORIGINAL PANEL) SEEK CHANGES.  
PUBLICLY, CHERNILIN ARGUED THAT EARLIEST PANEL COULD  
BE CONVENED WAS LATE 1974 OR EARLY 1975, THUS DELAYING  
ANY BOARD ACTION FOR ANOTHER YEAR.

6. EKLUND'S INITIAL DECISION, IN LIGHT OF IMPASSE  
AMONG STAFF, WAS FOR STAFF TO REWRITE GOV/1622, TAKING  
INTO ACCOUNT ONLY COMMENTS FROM WHO (BUT NONE FROM  
GOVERNMENTS) AND SUBMIT TO JUNE BOARD FOR CONSIDERATION. PORTER

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ACTION SCI-06

INFO OCT-01 IO-14 ISO-00 AID-20 CEQ-02 CIAE-00 COA-02

COME-00 DODE-00 EB-11 EPA-04 INR-10 L-03 NSF-04

NSC-07 NSAE-00 PM-07 RSC-01 SS-20 SPC-03 FEA-02 AF-10

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DRC-01 FMC-04 DLOS-06 ACDA-19 /231 W

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R 051451Z MAR 74  
FM USMISSION IAEA VIENNA  
TO SECSTATE WASHDC 4035  
INFO AEC GERMANTOWN

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C O R R E C T E D C O P Y FOR MRN ONLY (1927 VICE 1972)

7. CATLIN (U.S.) MEANWHILE HAD MADE HIS OWN ANALYSIS OF GOV/1622 (PRODUCED PRIOR TO HIS JOINING SECRETARIAT) AND CONCLUDED THAT DOCUMENT, EVEN AFTER TAKING ACCOUNT OF ALL COMMENTS RECEIVED FROM GOVERNMENTS (AND WHO) WAS UNWORTHY OF IAEA SINCE SEVERAL AMBIGUITIES AND INCONSISTENCIES WOULD REMAIN. CATLIN THEREFORE FELT STRONGLY THAT SECRETARIAT (I.E. PRINCIPALLY HIMSELF) SHOULD REWRITE DOCUMENT BEFORE ANY BODY, WHETHER PANEL OR BOARD, SHOULD CONSIDER IT.

8. MEMBERS OF SECRETARIAT ALSO REPORTED RECEIVING INDICATIONS THAT JAPAN AND FRANCE WOULD BE SUBMITTING WRITTEN COMMENTS ON GOV/1622. (IN FACT, COMMENTS FROM FRANCE WERE RECEIVED MARCH 1 AND ARE BEING TRANSLATED BY SECRETARIAT.)

9. AMB TAPE, ON FEB 22, SUCCEEDED IN PERSUADING EKLUND THAT BOARD COULD NOT RPT NOT POSSIBLY APPROVE DOCUMENT WHICH IGNORED COMMENTS BY NUMBER OF IMPORTANT MEMBERS. AT SAME TIME, HE SUGGESTED THAT IMPASSE RE PANEL MEETING BE RESOLVED BY LIMITED OFFICIAL USE

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EKLUND TAKING POSITION THAT PANEL HAD COMPLETED ITS TASK BY PROVIDING DRAFT DOCUMENT. SINCE DOCUMENT HAD BEEN CIRCULATED TO GOVERNMENTS AND SEVERAL GOVERNMENTS HAD SUBMITTED COMMENTS, IT WOULD BE INAPPROPRIATE TO ASK EXPERTS ON PANEL TO SECOND GUESS THEIR OWN GOVERNMENTS. WHAT WAS NEEDED WAS NEW DOCUMENT, PREPARED BY SECRETARIAT TAKING AS STARTING POINT PANEL'S PRODUCT, MODIFYING IT TO TAKE ACCOUNT OF GOVERNMENTS' COMMENTS (THOSE OF CLARIFYING OR EDITORIAL NATURE, ONLY) AND SECRETARIAT'S OWN ANALYSIS, FOR CIRCULATION TO GOVERNMENTS REPRESENTED ON BOARD, AND THEN TO BOARD FOR ACTION. NEW DOCUMENT WOULD EXPLICITLY DISASSOCIATE PANEL EXPERTS FROM ANY RESPONSIBILITY, WHILE EXPRESSING APPRECIATION FOR THEIR CONTRIBUTION. SECRETARIAT COULD CIRCULATE NEW DOCUMENT TO GOVERNMENTS BY MID-MARCH, WITH EARLY APRIL DEADLINE FOR COMMENTS, THUS PERMITTING, WITH LUCK, CIRCULATION OF DOCUMENT IN EARLY MAY FOR CONSIDERATION BY JUNE BOARD. IF BOARD APPROVES, INITIAL SET OF RECOMMENDATIONS WOULD BE SUBMITTED TO CONVENTION AUTHORITIES, NOTING THAT IAEA INTENDS TO STUDY MATTER FURTHER IN HOPE OF REFINING RECOMMENDATIONS. SUBSEQUENTLY, NEW PANEL OF EXPERTS COULD BE CONVENED TO CONSIDER REFINEMENTS, SUCH AS

THOSE PROPOSED BY USG AND SWEDEN.

10. EKLUND AGREED TO TAPE'S PROPOSED PROCEDURE, SUBJECT HOWEVER TO AGREEMENT BY SWEDEN, SINCE SWEDISH COMMENTS WOULD NOT RPT NOT BE TAKEN INTO ACCOUNT IN DOCUMENT PREPARED FOR JUNE BOARD. SUBSEQUENT PANEL WOULD PROBABLY BE UNABLE TO BE CONVENED, IN EKLUND'S VIEW, UNTIL EARLY 1975.

11. AS OF THIS DATE, SECRETARIAT HAS NOT RPT NOT HEARD FROM AMB PETRI. SECRETARIAT (CATLIN) NONETHELESS PREPARING NEW DOCUMENT SO THAT IT MAY BE CIRCULATED AS SOON AS SWEDISH CONCURRENCE IN PROCEDURE RECEIVED. CONSCIOUS EFFORT BEING MADE IN NEW DOCUMENT TO SEPARATE DISCUSSION OF RATIONALE FROM RECOMMENDATIONS TO FACILITATE INCORPORATION OF RECOMMENDATIONS IN NATIONAL LEGISLATION. AT SAME TIME, NEW FORMAT WILL EMPHASIZE DISASSOCIATION FROM EARLIER DOCUMENT PRODUCED BY PANEL.

12. MISSION WILL REPORT DEVELOPMENTS. COPIES SWEDISH AND FRENCH COMMENTS AND OTHER RELEVANT DOCUMENTS BEING POUCHED DEPT, AEC AND EPA WHEN AND AS RECEIVED. PORTER  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** WATER POLLUTION, MARINE TRANSPORTATION, MEETINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 05 MAR 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** n/a  
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**Legacy Key:** link1974/newtext/t19740368/aaaaclak.tel  
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**Office:** ACTION SCI  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** STATE 8590  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 22 MAR 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <22 MAR 2002 by worrelsw>; APPROVED <02 MAY 2002 by golinofr>  
**Review Markings:**

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30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** IAEA RECOMMENDATIONS PURSUANT TO CONVENTION ON PREVENTION MARINE POLLUTION BY DUMPING  
**TAGS:** TECH, SENV, IAEA  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005